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June 15, 2005

The Honorable Gregory M. Sleet  
U.S. District Court  
for the District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: Echevarria v. U-Haul International, Inc. et al.  
D. Del. C.A. No. 05-284 (GMS)

Dear Judge Sleet:

I write on behalf of the Plaintiff, Sara S. Echevarria, in the above-captioned case, in response to Mr. Caponi's letter to the Court on June 13, 2005. Regarding Mr. Caponi's request for permission to file a sur-reply responding to Plaintiff's Reply supporting her Motion for Remand, Plaintiff respectfully objects to Mr. Caponi's request.

There is no provision in either the Federal Rules of Civil Procedure or the Local Rules for the District of Delaware allowing for the filing of a sur-reply. In certain instances, this Court has allowed a sur-reply to be filed, *see e.g., Stiner v. Univ. of Del.*, 243 F. Supp. 2d 106, 116 (D. Del. 2003); however, in a situation where the party had the opportunity in its original filing to argue the issues, the Court may deny permission to file a sur-reply, *Vandenbraak v. Alferi*, 2005 U.S. Dist. LEXIS 9882, at \*2 n.2 (D. Del. May 25, 2005) (attached hereto as Ex. A). Additionally, while Plaintiff's reply contained arguments which were not originally raised in the

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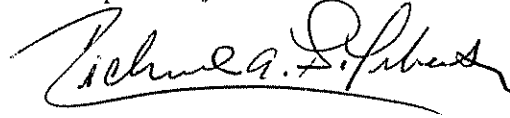
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Motion for Remand, those "new" arguments were directly in response to the arguments set forth in defendant U-Haul's response. In this situation, a sur-reply is not warranted. *See Webloyalty.com, Inc. v. Consumer Innovations*, 2005 U.S. Dist. LEXIS 791, at \* 20-21 (D. Del. Jan. 13, 2005) (attached hereto as Ex. B).

With respect to defendant U-Haul's request for oral argument, Plaintiff has no objection.

I am available at the Court's convenience should Your Honor have any questions in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. DiLiberto, Jr.", written in a cursive style.

Richard A. DiLiberto, Jr.

RAD:lbc

Enclosures

cc: Steven L. Caponi, Esquire (via e-file)  
Robert J. Leoni, Esquire (via e-file)